IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 23007 of 1994

Between:

K.Venkateswarlu, S/o. Sri Laxminarasaiah, U.D.C. at A.A.O. E.R.O. APSEB, Parkal, Warangal Dist.,

PETITIONER

AND

1 The Suptd. Engineer's Operation Circle, A.P.S.E.B., Hanmakonda at Warangal.
2 The Chief Engineer, A.P.S.E.B., Hanmakonda at Warangal,
3 A.P. State Eelctricity Board, rep. by its Secretary,
Vidyut Soudha, Hyderabad.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, especially one in the nature of mandamus; (i) compelling the respondents to fill in the vacancies that had arisen from August'93 to Feb. '94' on the basis of the D.P.C. already held and approved; (ii) declare that the respondents cannot arbitrarily prepare the panels for all the vacancies that are existing as on date without taking into account the date of commencement of the vacancies; (iii) decalre that the petitioner is entitled to be promoted to the post of Jr. Accounts Officer on the basis of D.P.C held in August' 93 with all the consequential benefits, seniority and other fringe benefits.

Counsel for the Petitioner: MR.V.JOGAIAH SARMA

Counsel for the Respondents: MR. SAMINENI SRINIVASA KISHORE SC FOR AP TRANSCO

The Court made the following:

ORDER:

The grievance of the petitioner in this writ petition is that the respondents did not promptly fill up the vacancies arising during the period from August, 1993 to February, 1994 on the basis of the D.P.C. already held and approved resulting in persons senior to the petitioner herein, who did not then find a place in the panel of U.D.Cs prepared for the purpose of promotion for the post of Junior Accounts Officer, becoming subsequently eligible and entitled for promotion, thereby disentitling the petitioner from being promoted as Junior Accounts Officer.

Sri V.Jogayya Sarma, learned counsel for the petitioner, contends that the inordinate delay in filling up the vacancies has deprived candidates included in the panel of their legitimate right for being promoted to the higher cadre. He further submits that during the pendency of this writ petition, the petitioner herein was not only promoted as Junior Accounts Officer but was further promoted to the next higher post and that he had retired from service.

Learned counsel contends that in case the vacancies which had arisen during the period August, 1993 to February, 1994 had been promptly filled up, the petitioner would have had the benefit of promotion to the third higher post during his service with the respondent-A.P. Electricity Board.

No useful purpose would now be served in examining the question as to whether or not the respondents were justified in not promptly filling up the vacancies of the Junior Accounts Officer during the period August, 1993 to February, 2004, as more than 11 years has elapsed since then and the petitioner had, in the meanwhile, retired from service.

The writ petition is accordingly dismissed. No costs.

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Justice Ramesh Ranganathan

Date: 06th July, 2005.

dvs

Copies to:

1 The Superintendent Engineer, The Suptd. Engineer's Operation Circle, A.P.S.E.B., Hanmakonda at Warangal.
2 The Chief Engineer, A.P.S.E.B., Hanmakonda at Warangal,
3 The Secretary, A.P. State Eelctricity Board, Vidyut Soudha, Hyderabad.

4. Two CD copies.

HONOURABLE SRI JUSTICE RAMESH RANGANADHAN

W.P.No.23007 OF 1994

06th July, 2005